

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**GABRIELLE BALDWIN
AND REBECCA BULLARD**

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:21-cv-47-TBM-RPM

GULF ISLANDS WATER PARK

DEFENDANT

NOTICE OF REMOVAL

COMES NOW the Defendant, Gulf Islands Water Park, LLC (incorrectly named herein as "Gulf Islands Water Park"), a Limited Liability Company, and pursuant to 28 U.S.C. §1446 gives notice as follows:

I

This Defendant is sued in a civil action brought in the Circuit Court of Harrison County, Mississippi, First Judicial District, which is within the Southern Division of the United States District Court for the Southern District of Mississippi. That action is styled "Gabrielle Baldwin and Rebecca Bullard vs. Gulf Islands Water Park" and is Cause No. A2401-2021-042 on the docket of said Circuit Court.

II

That this Defendant, Gulf Islands Water Park, LLC, is now and was at the time of the commencement of this suit, incorporated and existing under the laws of the State of Louisiana, with its principal place of business in the State of Louisiana, qualified to do and doing business in the State of Mississippi; that the Plaintiffs herein are alleged to be adult resident citizens of the State of Mississippi; that accordingly this is an action brought by citizens of the State of Mississippi against a corporate citizen of a State other than Mississippi, and is wholly between the citizens of different states and is one which can be fully determined between them.

III

That this is a suit to recover damages for personal injuries allegedly sustained by each Plaintiff as a result of an incident occurring on June 19, 2020, at a water park located in Gulfport, Harrison County, Mississippi.

IV

That while the amount sued for by the Plaintiffs is not stated to be any amount certain, the Complaint does seek damages for each Plaintiff for "past, present and future bills for medical treatment; past, present and future physical pain and suffering; fear for the future consequences of the injuries sustained; past, present and future mental and emotional anguish and distress, including fear of further future injury and loss of enjoyment of life". Further, the Complaint seeks not only recovery of compensatory damages, but also seeks "punitive damages based on the Defendant's reckless disregard for the safety of the invited public and to punish the Defendant(s) and make an example of them for the community". This Defendant would show accordingly that even though the Plaintiffs do not state a specific amount of damages sought, it is "facially apparent" that the Plaintiffs' claims could satisfy the "amount in controversy" necessary to invoke federal diversity jurisdiction, in that the Complaint clearly alleges that Plaintiffs have suffered bodily injuries, and also seeks recovery of punitive damages, such that the actual amount in controversy involved in this action exceeds the sum of SEVENTY FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS, exclusive of interest and costs; that this Defendant has filed no pleading in said cause in the State Court; the time within which this Defendant is allowed by law to file said Notice for Removal has not expired; and, this Defendant has a good defense in said cause. Defendant

attaches hereto as Exhibit "A", and makes a part hereof, a true and correct copy of all process, pleadings, orders and other documents in the file of the Circuit Court of Harrison County, Mississippi, First Judicial District.

V

Defendant desires to remove this action to this Court on the ground of diversity of citizenship existing therein between the Plaintiffs and Defendant and amount in controversy, pursuant to the Acts of Congress in that behalf provided.

VI

Defendant represents that promptly upon the filing of this Notice, this Defendant shall give written notice thereof to the adverse party and shall file a copy of the Notice with the Clerk of the Circuit Court of Harrison County, Mississippi, wherein said action is now pending.

VII

This Defendant denies any liability and denies that the Plaintiffs are entitled to any recovery whatsoever. Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of this Defendant's rights to assert any defense or affirmative matter available under Rule 12 of the Mississippi or Federal Rules of Civil Procedure, or any state or federal statute.

RESPECTFULLY SUBMITTED, this the 24th day of February, 2021.

GULF ISLANDS WATER PARK, LLC,
Defendant

BY: ANDERSON CRAWLEY & BURKE, PLLC
Its Attorneys

BY: /s/ Timothy D. Crawley
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CERTIFICATE OF SERVICE

I, the undersigned counsel of record, do hereby certify that I have this date electronically filed the foregoing with the Clerk of the court using the ECF system which sent notification of such filing to the following individuals at their usual addresses:

Ida Henley, Esq.
Kenneth Altman, Esq.
Morris Bart, Ltd.
1712 15th Street, Ste. 300
Gulfport, MS 39501
Attorneys for Plaintiffs

Connie Ladner, Circuit Clerk
Harrison County, Mississippi
Post Office Box 998
Gulfport, MS 39502

This, the 24th day of February, 2021.

BY: /s/ Timothy D. Crawley
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Prevail History/1291.043/Pleading